

Memorandum



Date: July 17, 2012

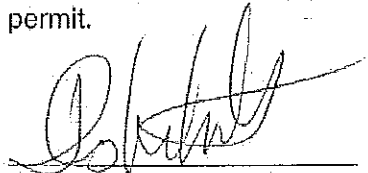
To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

Agenda Item No. 5(C)

From: Carlos A. Gimenez
Mayor

Subject: Resolution Relating to an Application by Miami-Dade County for a Class I Permit to Install a New Retaining Wall in Wetlands at the Vizcaya Museum and Gardens, in Miami, Miami-Dade County, Florida

Attached, please find for your consideration an application by Miami-Dade County for a Class I permit. Also attached is the recommendation of the Department of Regulatory and Economic Resources and a proposed resolution approving the issuance of the Class I permit.



Jack Osterholt, Deputy Mayor

Memorandum



Date: June 20, 2012

To: Carlos A. Gimenez
Mayor

From: Jack Osterholt, Deputy Mayor, Director
Department of Regulatory and Economic Resources

Subject: Resolution Relating to an Application by Miami-Dade County for a Class I Permit to Install a New Retaining Wall in Wetlands at the Vizcaya Museum and Gardens, in Miami, Miami-Dade County, Florida

Recommendation

I have reviewed the attached Class I permit application submitted by Miami-Dade County. Based upon the applicable evaluation factors set forth in Section 24-48.3 of the Code of Miami-Dade County (Code), Florida, I recommend that the Board of County Commissioners (Board) approve the issuance of a Class I permit for the reasons set forth below.

Scope

Vizcaya Museum and Gardens is located in Commissioner Suarez's District 7 at 3251 South Miami Avenue, Miami, Miami-Dade County.

Fiscal Impact/Funding Source

Not applicable.

Track Record/Monitor

The Coastal Resources Section Manager within the Department of Regulatory and Economic Resources will be responsible for monitoring the terms of the proposed permit.

Background

The attached Class I permit application requests authorization to install a new retaining wall in wetlands supporting halophytic (salt tolerant) vegetation at the Vizcaya Museum and Gardens (Vizcaya). The proposed project is required to be reviewed and approved by the Board at a public hearing because the scope of work is not specifically referenced in Section 24-48.2 of the Code as work that can be processed administratively with a short form application. Therefore, a standard form application including a public hearing is required.

Vizcaya is a National Historic Landmark that was originally built by James Deering in the 1910s as a private residence and was conveyed to Miami-Dade County in the 1950s to be preserved in perpetuity as a public museum featuring a main house, about a dozen outbuildings, and extensive grounds including ten acres of formal gardens and a native forest. A recently restored historic garden at the north corner of the Vizcaya property parallels a halophytic wetland area that is immediately adjacent to Biscayne Bay. The historic garden area is subject to periodic flooding due to tidal extremes and storm events. An existing concrete retaining wall rises less than half a foot above the adjacent grade of the garden and is therefore not an effective barrier to the tidal/storm effects. Site diagrams are included in Attachment B.

Miami-Dade County is proposing to install a 184 foot long concrete retaining wall to protect the historic garden. The top of the proposed wall will be four (4) feet above the grade of the surrounding area with an elevation of seven (7) feet National Geodetic Vertical Datum, exceeding the Federal Emergency Management Agency 10-year flood elevation of six (6) feet National Geodetic Vertical Datum. The installation of the proposed wall will result in the temporary excavation of 934 square feet of wetland soils.

A halophytic wetland area is located east of the existing concrete retaining wall. Although several mature red mangrove trees and black mangrove trees are present, the area is predominantly vegetated by invasive exotic plant species.

Pursuant to Section 24-48.4 of the Code, potential adverse environmental impacts and cumulative adverse environmental impacts for the proposed project must be avoided and minimized. A biological survey conducted by the Department of Regulatory and Economic Resources staff revealed no significant halophytic wetland vegetation within the footprint of the proposed retaining wall. Staff documented a single red mangrove seedling within the footprint of the proposed work, which will be relocated prior to the commencement of construction operations. Once the installation of the wall is complete, the excavated material will be used as backfill and the project area will be restored to preconstruction elevation. Although no mitigation is required for the minimal temporary environmental impacts expected under this project, the applicant is proposing to restore the area through the removal of invasive exotic plant species and promote the recruitment of native vegetation and enhance the existing halophytic wetland habitat.

The proposed project complies with Section 24-48.3(2) of the Code as related to the criteria for a physical modification necessary to protect public or private property. The project has been designed in accordance with all relevant Miami-Dade County coastal and wetland construction criteria and is consistent with all other Miami-Dade County coastal and wetland protection provisions. Please find attached a Department of Regulatory and Economic Resources Project Report which sets forth the reasons the proposed project is recommended for approval by the Department of Regulatory and Economic Resources pursuant to the applicable evaluation factors set forth in Section 24-48.3 of the Code. The conditions, limitations, and restrictions set forth in the Project Report attached hereto are incorporated herein by references hereto.

Attachments

- Attachment A: Class I Permit Application
- Attachment B: Owner/Agent Letter, Engineer Certification Letter and Project Sketches
- Attachment C: Zoning Memorandum
- Attachment D: Names and Addresses of Owners of All Riparian or Wetland Property within Three Hundred (300) Feet of the Proposed Work
- Attachment E: Department of Regulatory and Economic Resources Project Report

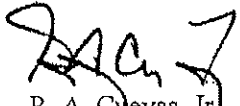


MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: July 17, 2012

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 5(C)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☒ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(C)
7-17-12

RESOLUTION NO. _____

RESOLUTION RELATING TO AN APPLICATION BY
MIAMI-DADE COUNTY FOR A CLASS I PERMIT TO
INSTALL A NEW RETAINING WALL IN WETLANDS
AT THE VIZCAYA MUSEUM AND GARDENS, IN
MIAMI, MIAMI-DADE COUNTY, FLORIDA

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board having considered all the applicable factors contained within Section 24-48.3 of the Code of Miami-Dade County, hereby approves the application by Miami-Dade County for a Class I permit to install a new retaining wall in wetlands at the Vizcaya Museum and Gardens, in Miami, Miami-Dade County, Florida, subject to the conditions set forth in the memorandum from the Miami-Dade County Department of Regulatory and Economic Resources, a copy of which is attached hereto and made a part hereof. The issuance of this approval does not relieve the applicant from obtaining all applicable Federal, State, and local permits.

The foregoing resolution was offered by Commissioner
who moved its adoption. The motion was seconded by Commissioner
and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 17th day of July, 2012. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Abbie Schwaderer-Raurell

Attachment A
Class I Permit Application



Class I Permit Application

FOR DEPARTMENTAL USE ONLY

Date Received:	Application Number: 2011-CLI-PER-00104
	Application Fee: \$3,220.00

Application must be filled out in its entirety. Please indicate N/A for non-applicable fields.

1. Applicant Information: Name: <u>Miami - Dade County</u> Address: <u>111 NW 1st Street</u> <u>Miami, FL</u> Zip Code: <u>33128</u> Phone #: <u>(305) 375-1451</u> Fax #: <u>(305) 960-5442</u> Email: _____ <small>* This should be the applicant's information for contact purposes.</small>	2. Applicant's Authorized Permit Agent: <small>Agent is allowed to process the application, furnish supplemental information relating to the application and bind the applicant to all requirements of the application.</small> Name: <u>Ocean Consulting, LLC</u> Address: <u>340 Minorca Avenue Suite 5</u> <u>Coral Gables, FL</u> Zip Code: <u>33607</u> Phone #: <u>(305) 921-9344</u> Fax #: <u>(305) 677-3254</u> Email: <u>kirk@oceanconsultingfl.com</u>
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3. Location where proposed activity exists or will occur (latitude and longitude are only necessary for properties without address or folio #):			
Folio #(s): <u>01-4114-005-0010</u>	Latitude: _____	Longitude: _____	
Street Address: <u>3251 South Miami Avenue</u>	Section: <u>14</u>	Township: <u>54</u>	Range: <u>41</u>
In City or Town: <u>Miami, FL</u>	Near City or Town: _____		
Name of waterway at location of the activity: <u>Biscayne Bay</u>			

4. Describe the proposed activity (check all that apply):				
<input type="checkbox"/> Seawall <input type="checkbox"/> New/Replacement Seawall <input type="checkbox"/> Seawall Cap <input type="checkbox"/> Batter Piles <input type="checkbox"/> King Piles <input type="checkbox"/> Footer/Toe Wall <input type="checkbox"/> Riprap	<input type="checkbox"/> Dock(s) <input type="checkbox"/> Pier(s) <input type="checkbox"/> Viewing Platform	<input type="checkbox"/> Boatlift <input type="checkbox"/> Mooring Piles <input type="checkbox"/> Fender Piles <input type="checkbox"/> Davits	<input checked="" type="checkbox"/> Dredging <input type="checkbox"/> Maintenance <input checked="" type="checkbox"/> New <input type="checkbox"/> Filling	<input type="checkbox"/> Mangrove Trimming <input type="checkbox"/> Mangrove Removal
X Other: _____				
Estimated project cost = \$ <u>120,000.00</u>				
Are you seeking an after-the-fact approval (ATF)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes", describe the ATF work: _____				

5. Proposed Use (check all that apply): <input type="checkbox"/> Single Family <input type="checkbox"/> Multi-Family <input type="checkbox"/> Private <input checked="" type="checkbox"/> Public <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Utility	6. If the proposed work relates to the mooring of vessels provide the following information (please also indicate if the applicant does not have a vessel): Proposed Vessel Type (s): <u>N/A</u> Vessel Make/Model (If known): _____ Draft (s)(range in inches.): _____ Length (s)(range in feet.): _____ Total Number of Slips: _____
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7. List all permits or certifications that have been applied for or obtained for the above referenced work:				
Issuing Agency	Type of Approval	Identification Number	Application Date	Approval Date
DEP	Exemption	13-0306054-001	4/28/11	6/21/11
USACE	General	SAI-2011-01394	4/28/11	5/27/11

8. Contractor Information (If known):

Name: To Be Determined License # (County/State): _____

Address: _____ Zip Code: _____

Phone #: _____ Fax #: _____ E-mail: _____

9. IMPORTANT NOTICE TO APPLICANTS: The written consent of the property owner is required for all applications to be considered complete. Your application WILL NOT BE PROCESSED unless the Applicant and Owner Consent portion of the application is completed below. You have the obligation to apprise the Department of any changes to information provided in this application.

Application is hereby made for a Miami-Dade County Class I permit to authorize the activities described herein. I agree to or affirm the following:

- I possess the authority to authorize the proposed activities at the subject property, and
- I am familiar with the information, data and plans contained in this application, and
- To the best of my knowledge and belief, the information, data and plans submitted are true, complete and accurate, and
- I will provide any additional information, evidence or data necessary to provide reasonable assurance that the proposed project will comply with the applicable State and County water quality standards both during construction and after the project is completed, and
- I am authorizing the permit agent listed in Section 2 of this application to process the application, furnish supplemental information relating to this application and bind the applicant to all requirements of this application, and
- I agree to provide access and allow entry to the project site to inspectors and authorized representatives of Miami-Dade County for the purpose of making the preliminary analyses of the site and to monitor permitted activities and adherence to all permit conditions.

A. IF APPLICANT IS AN INDIVIDUAL


Signature of Applicant _____ Print Applicant's Name _____ Date _____

B. IF APPLICANT IS OTHER THAN AN INDIVIDUAL OR NATURAL PERSON

(Examples: Corporation, Partnership, Trust, LLC, LLP, etc.)

Miami - Dade County _____ Local Government _____ Florida _____
 Print Name of Applicant (Enter the complete name as registered) Type (Corp, LLC, LLP, etc.) State of
 Registration/Incorporation

Under the penalty of perjury, I certify that I have the authority to sign this application on behalf of the Applicant, to bind the Applicant, and if so required to authorize the issuance of a bond on behalf of the Applicant. (If asked, you must provide proof of such authority to the Department). *****Please Note: If additional signatures are required, pursuant to your governing documents, operating agreements, or other applicable agreements or laws, you must attach additional signature pages.*****

 _____ Lisa Martinez _____ Senior Advisor _____ 6/15/2012
 Signature of Authorized Representative Print Authorized Representative's Name Title Date

C. IF APPLICANT IS A JOINT VENTURE Each party must sign below (If more than two members, list on attached page)

Print Name of Applicant (Enter the complete name as registered) _____ Type (Corp, LLC, LLP, etc.) _____ State of _____
 Registration/Incorporation

Print Name of Applicant (Enter the complete name as registered) _____ Type (Corp, LLC, LLP, etc.) _____ State of _____
 Registration/Incorporation

Under the penalty of perjury, I certify that I have the authority to sign this application on behalf of the Applicant, to bind the Applicant, and if so required to authorize the issuance of a bond on behalf of the Applicant. (If asked, you must provide proof of such authority to the Department). *****Please Note: If additional signatures are required, pursuant to your governing documents, operating agreements, or other applicable agreements or laws, you must attach additional signature pages.*****

Signature of Authorized Representative _____ Print Authorized Representative's Name _____ Title _____ Date _____

Signature of Authorized Representative _____ Print Authorized Representative's Name _____ Title _____ Date _____

I/We are the fee simple owner(s) of the real property located at 3251 South Miami Avenue Miami-Dade County, Florida, otherwise identified in the public records of Miami-Dade County as Folio No. 01-4114-005-0010

A. IF THE OWNER(S) IS AN INDIVIDUAL

Signature of Owner _____ Print Owner's Name _____ Date _____

(Examples: Corporation, Partnership, Joint Venture, Trust, LLC, LLP, etc.)

Under the penalty of perjury, I certify that I have the authority to sign this application on behalf of the Owner, to bind the Owner, and if so required to authorize the issuance of a bond on behalf of the Owner. (If asked, you must provide proof of such authority to the Department). *****Please Note: If additional signatures are required, pursuant to your governing documents, operating agreements, or other applicable agreements or laws, you must attach additional signature pages.*****

Signature of Authorized Representative	Print Authorized Representative's Name	Title	Date
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Box 10: either A or B

Attachment B

**Owner/Agent Letter
Engineer Certification Letter
Project Sketches**

PERMIT APPLICANT/ AUTHORIZED AGENT STATEMENT

Date: June 8, 2012

To:

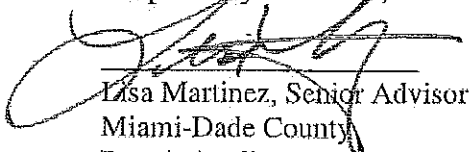
Miami Dade County Department of Regulatory and Economic Resources
Class I Permitting Program
701 NW 1st Court
Miami FL, 33136

Re: Class I Permit Application Number 2011-CLI-PER- 00104

By the attached Class I Standard Form permit application with supporting documents, I, Lisa Martinez, Senior Advisor, Miami Dade-County, am the permit applicant and hereby request permission to perform the work associated with Class I permit application 2011-CLI-PER-00104. I understand that a Miami-Dade County Class I Standard Form Permit is required to perform this work.

If approval is granted for the proposed work by the Board of County Commissioners, complete and detailed plans and calculations of the proposed work shall be prepared by an engineer registered/licensed in the State of Florida in accordance with the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida. Said plans and calculations shall be subject to the review and approval of the Department of Environmental Resources Management. The permit applicant will secure the services of an engineer registered/licensed in the State of Florida to conduct inspections throughout the construction period, and said engineer shall prepare all required drawings of record. In the event that the proposed work which is the subject of this Class I Permit application involves the cutting or trimming of a mangrove tree(s), a detailed plan of the proposed cutting or trimming shall be prepared by a licensed landscape architect and submitted to the Department for review and approval, and the permit applicant will secure the services of a licensed landscape architect to supervise the trimming or cutting.

Respectfully submitted,



Lisa Martinez, Senior Advisor
Miami-Dade County
Permit Applicant

June 8, 2012

Miami-Dade County Department of Regulatory and Economic Resources
Class I Permitting Program
701 NW 1st Court
Miami, FL 33136

Re: Class I Permit Application Number 2011-CL1-PER-00104

Ladies and Gentlemen:

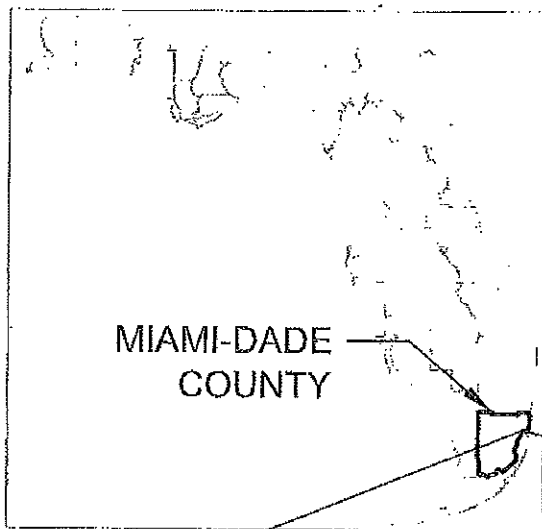
This letter will certify that I am an engineer registered/licensed in the State of Florida, qualified by education and experience in the area of construction, and that to the best of my knowledge and belief, the proposed work does not violate any laws of the State of Florida or any provision of the Code of Miami Dade County which may be applicable, that diligence, and recognized standard practices of the engineering profession have been exercised in the engineer's design process for the proposed work, and in my opinion based upon my knowledge and belief, the following will not occur:

- a. Harmful obstruction or undesirable alteration of the natural flow of the water within the area of the proposed work
- b. Harmful or increased erosion, shoaling of channels or stagnant areas of water (Not applicable to Class IV Permits)
- c. Material injury to adjacent property.
- d. Adverse environmental impacts from changes in water quality or quantity.
(Applicable to Class IV Permits only)

Further, I have been retained by the applicant to provide inspections throughout the construction period and to prepare a set of reproducible record prints of drawings showing changes made during the construction process based upon the marked-up prints, drawings, and other data furnished by the contractor to me.

Sincerely,

Jason R. Cummins, P.E.
P.E. #71538



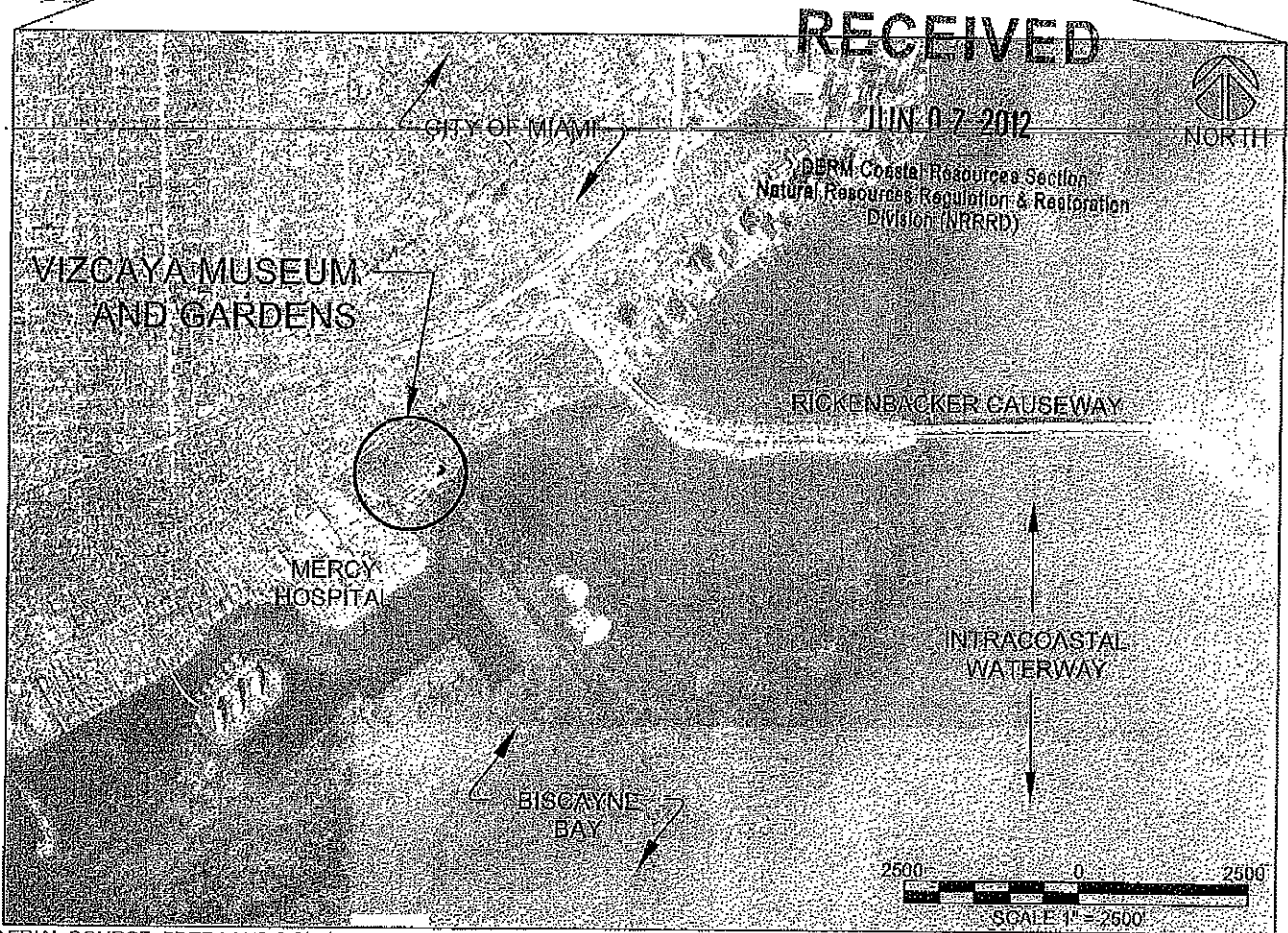
LATITUDE: 25D 44' 40.5" N
 LONGITUDE: 80D 12' 35.5" W

LEGAL DESCRIPTION:

14 54 41 50.714 AC M/L VIZCAYA PB 34-46 TRS
 1-2-3 & PORT OF TR 4 DESC BEG AT THE MOST
 NLY COR OF TR 4 TH SW1524.68FT SELY TO NLY
 BDRY OF

PHYSICAL ADDRESS:

3251 SOUTH MIAMI AVE, MIAMI, FLORIDA 33129



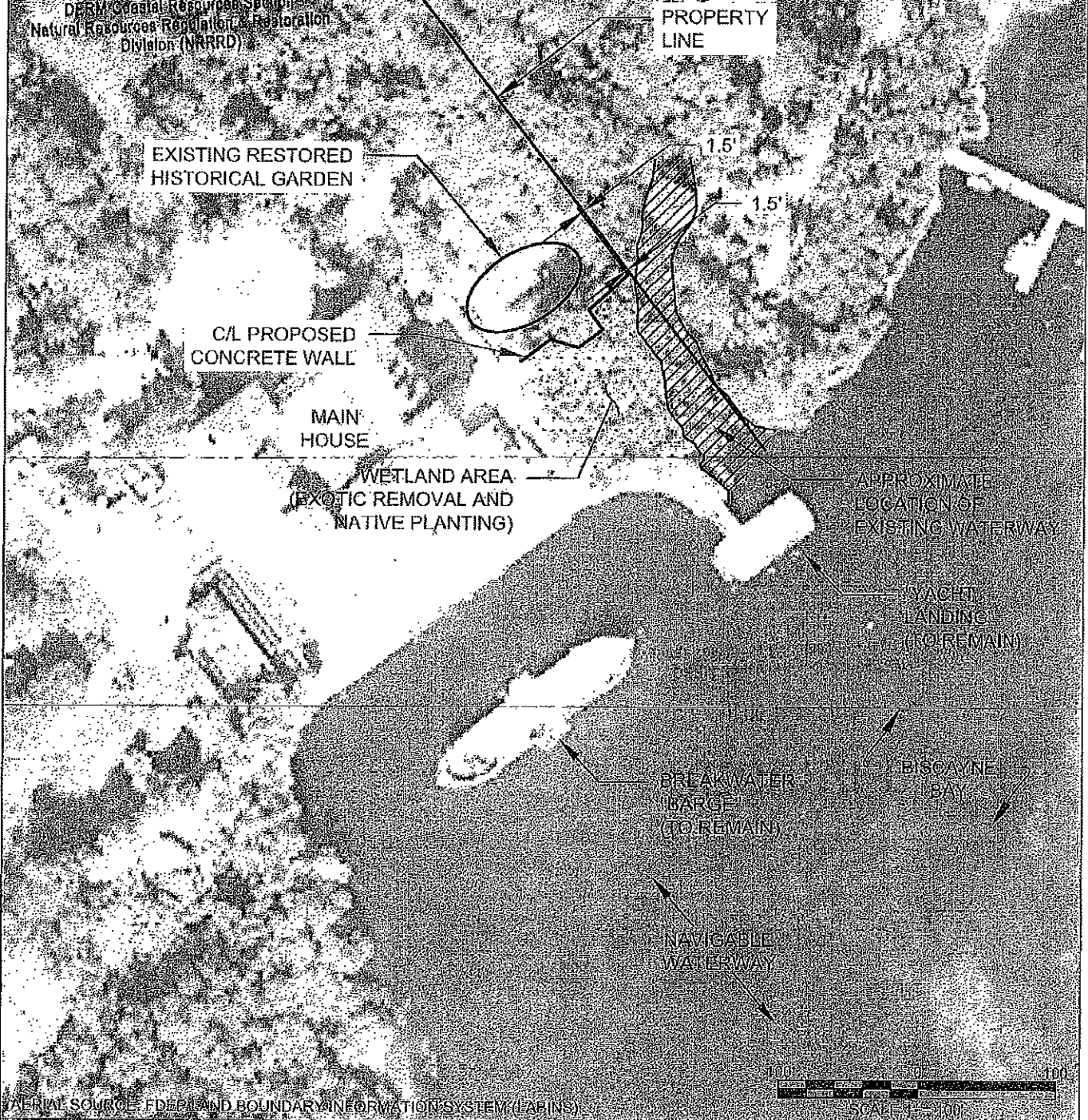
AERIAL SOURCE: FDEP LAND BOUNDARY INFORMATION SYSTEM (LABINS)

CUMMINS CEDERBERG Coastal & Marine Engineering 22476 SW 94TH PLACE MIAMI, FLORIDA 33190 T: 305-776-5028 F: 305-974-1969 WWW.CUMMINS CEDERBERG.COM	NOT FOR CONSTRUCTION FOR REGULATORY REVIEW ONLY JASON R. CUMMINS P.E. 71538 DATE:	LOCATION MAP PUBLIC SHORELINE STABILIZATION OF THE NORTHEAST GARDEN AREA AT VIZCAYA VIZCAYA MUSEUM & GARDENS, MIAMI-DADE COUNTY, FLORIDA	JOB NO: 13600 DATE: 06/06/12 DRN BY: JRC CHK BY: JAC/KL SHEET: 1 OF 7
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RECEIVED

JUN 07 2012

DERM Coastal Resource Section
Natural Resources Regulation & Restoration
Division (NRRD)



CUMMINS CEDERBERG Coastal & Marine Engineering	NOT FOR CONSTRUCTION FOR REGULATORY REVIEW ONLY	VICINITY MAP		JOB NO: 13600 DATE: 06/06/12
22476 SW 94TH PLACE MIAMI, FLORIDA 33190 T: 305-778-5028 F: 305-874-1969 WWW.CUMMINS CEDERBERG.COM	JASON R. CUMMINS P.E. 71538 DATE:	PUBLIC SHORELINE STABILIZATION OF THE NORTHEAST GARDEN AREA AT VIZCAYA VIZCAYA MUSEUM & GARDENS, MIAMI-DADE COUNTY, FLORIDA		DRN BY: JRC CHK BY: JAC/KL SHEET: 2 OF 7

RECEIVED

JUN 07 2012

DERM Coastal Resources Section
Natural Resources Regulation & Restoration
Division (NRRRD)

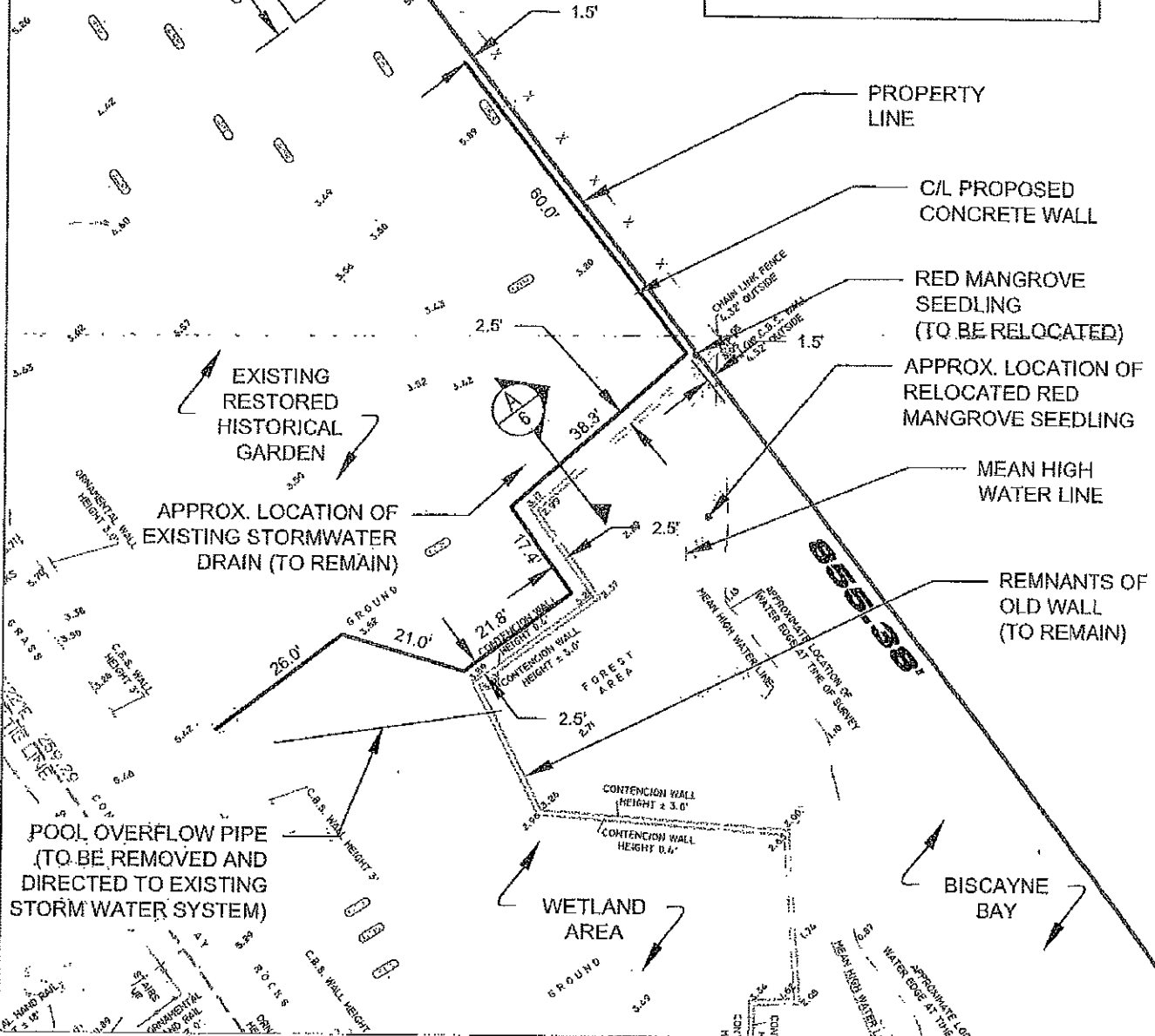
25 0 25
SCALE 1" = 25'



PROPOSED TEMPORARY
SPOIL CONTAINMENT SITE

NOTE:

1. NO WORK PROPOSED IN NATURAL
FOREST COMMUNITY, AS PER
DESIGNATION BY RER.



SITE SURVEY CONDUCTED BY MANUEL G. VERA & ASSOCIATES, INC., DATED 6/20/2008

CUMMINS | CEDERBERG
Coastal & Marine Engineering

22476 SW 94TH PLACE
MIAMI, FLORIDA 33190
T: 305-776-5028 F: 305-974-1969
WWW.CUMMINS CEDERBERG.COM

NOT FOR CONSTRUCTION
FOR REGULATORY REVIEW ONLY

JASON R. CUMMINS P.E. 71538

DATE:

PROPOSED WALL - PLAN

PUBLIC SHORELINE STABILIZATION OF THE
NORTHEAST GARDEN AREA AT VIZCAYA

VIZCAYA MUSEUM & GARDENS,
MIAMI-DADE COUNTY, FLORIDA

JOB NO: 13600 DATE: 06/06/12

DRN BY: JRC CHK BY: JAC/KL

SHEET: 3 OF 7

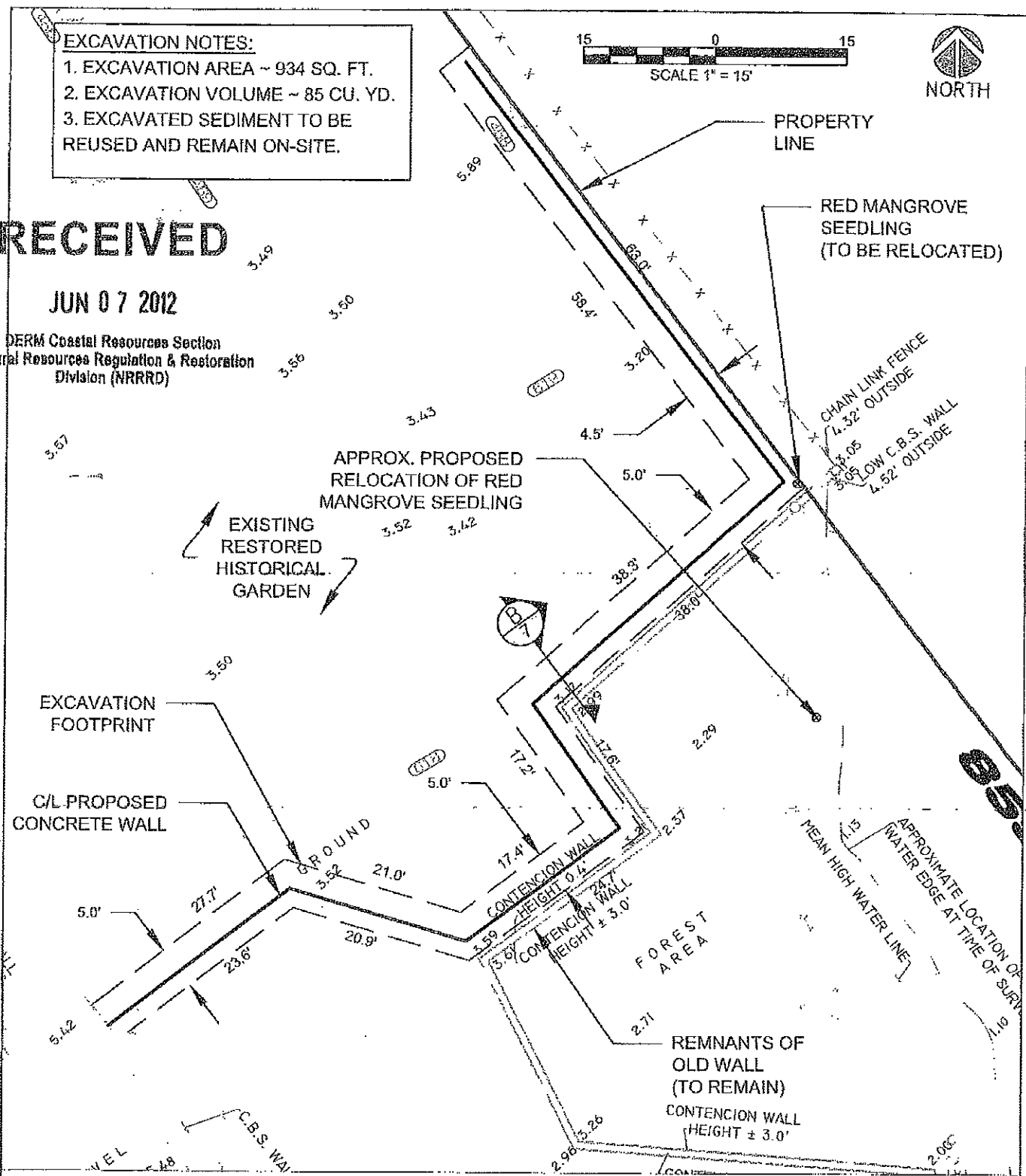
EXCAVATION NOTES:

1. EXCAVATION AREA ~ 934 SQ. FT.
2. EXCAVATION VOLUME ~ 85 CU. YD.
3. EXCAVATED SEDIMENT TO BE REUSED AND REMAIN ON-SITE.

RECEIVED

JUN 07 2012

DERM Coastal Resources Section
Natural Resources Regulation & Restoration
Division (NRRRD)



SITE SURVEY CONDUCTED BY MANUEL G. VERA & ASSOCIATES, INC., DATED 6/20/2008

CUMMINS | CEDERBERG

Coastal & Marine Engineering

22476 SW 94TH PLACE
MIAMI, FLORIDA 33190
T: 305-776-5028 F: 305-974-1969
WWW.CUMMINS CEDERBERG.COM

NOT FOR CONSTRUCTION
FOR REGULATORY REVIEW ONLY

JASON R. CUMMINS P.E. 71538

DATE:

EXCAVATION - PLAN

PUBLIC SHORELINE STABILIZATION OF THE
NORTHEAST GARDEN AREA AT VIZCAYA

VIZCAYA MUSEUM & GARDENS,
MIAMI-DADE COUNTY, FLORIDA

JOB NO: 13600 DATE: 06/06/12

DRN BY: JRC CHK BY: JAC/KL

SHEET: 4 OF 7

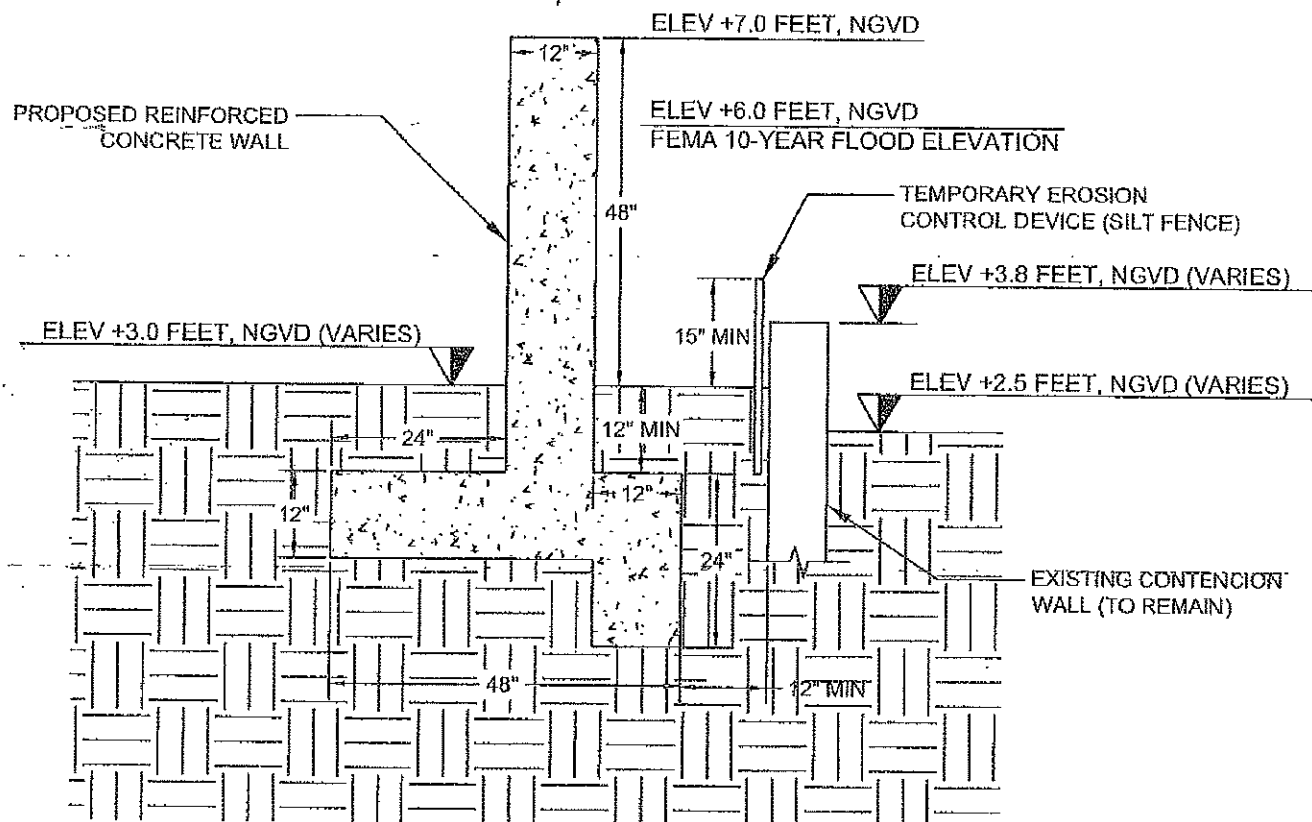
RECEIVED

JUN 07 2012

DERM Coastal Resources Section
Natural Resources Regulation & Restoration
Division (NRRRD)

RESTORED
HISTORICAL
GARDEN

BISCAYNE
BAY



A TYPICAL WALL SECTION
SCALE 1" = 2'-0"

CUMMINS | CEDERBERG
Coastal & Marine Engineering

22476 SW 94TH PLACE
MIAMI, FLORIDA 33190
T: 305-776-5028 F: 305-974-1989
WWW.CUMMINS CEDERBERG.COM

NOT FOR CONSTRUCTION
FOR REGULATORY REVIEW ONLY

JASON R. CUMMINS P.E. 71538

DATE:

PROPOSED WALL - SECTION

PUBLIC SHORELINE STABILIZATION OF THE
NORTHEAST GARDEN AREA AT VIZCAYA

VIZCAYA MUSEUM & GARDENS,
MIAMI-DADE COUNTY, FLORIDA

JOB NO: 13600 DATE: 06/06/12

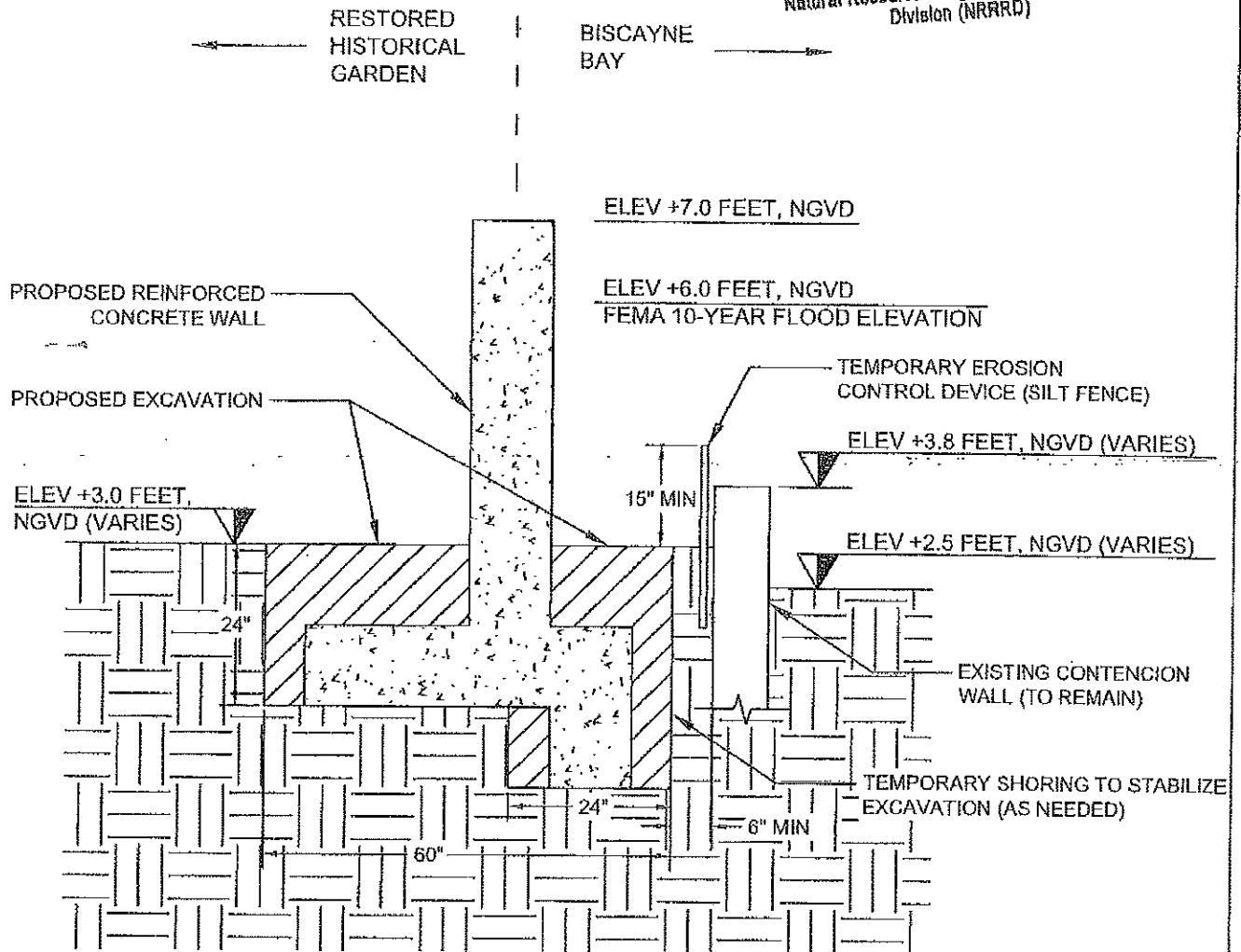
DRN BY: JRC CHK BY: JAC/KL

SHEET: 6 OF 7

RECEIVED

JUN 07 2012

DERM Coastal Resources Section
Natural Resources Regulation & Restoration
Division (NRRRD)

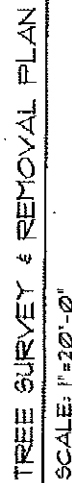


(B) TYPICAL EXCAVATION SECTION


SCALE 1" = 2'-0"

CUMMINS / CEDERBERG Coastal & Marine Engineering	NOT FOR CONSTRUCTION FOR REGULATORY REVIEW ONLY	PROPOSED EXCAVATION - SECTION PUBLIC SHORELINE STABILIZATION OF THE NORTHEAST GARDEN AREA AT VIZCAYA VIZCAYA MUSEUM & GARDENS, MIAMI-DADE COUNTY, FLORIDA	JOB NO: 13600 DATE: 06/06/12
22476 SW 94TH PLACE MIAMI, FLORIDA 33190 T: 305-776-6028 F: 305-974-1969 WWW.CUMMINSCEDERBERG.COM	JASON R. CUMMINS P.E. 71538 DATE:		DRN BY: JRC CHK BY: JAC/KL SHEET: 7 OF 7

Tree #	Species	Common Name	Height	Condition	Disposition
1	<i>Thespesia populnea</i>	Sesale Mahoe	55	30	Good Remove
2	<i>Thespesia populnea</i>	Sesale Mahoe	50	30	Good Remove
3	<i>Thespesia populnea</i>	Sesale Mahoe	5	15	Good Remove
4	<i>Thespesia populnea</i>	Sesale Mahoe	19	20	Good Remove
5	<i>Cocos nucifera</i>	Coconut Palm	6.5	13	Good TED
6	<i>Thespesia populnea</i>	Sesale Mahoe	4.5	30	Good Remove
7	<i>Albizia germinans</i>	Black Mangrove	46	40	Good Remain
8	<i>Thespesia populnea</i>	Sesale Mahoe	6	20	Good Remove
9	<i>Avicennia germinans</i>	Black Mangrove	23	55	Good Remain
10	<i>Thespesia populnea</i>	Sesale Mahoe	38	25	Good Remove
11	<i>Albizia germinans</i>	Black Mangrove	9	30	Good Remain
12	<i>Avicennia germinans</i>	Black Mangrove	10	30	Good Remain
13	<i>Thespesia populnea</i>	Sesale Mahoe	6	15	Good Remain
14	<i>Thespesia populnea</i>	Sesale Mahoe	13	25	Good Remove
15	<i>Thespesia populnea</i>	Sesale Mahoe	60	25	Good Remove
16	<i>Cocos nucifera</i>	Coconut Palm	10.5	20	Dest Remove
17	<i>Albizia germinans</i>	Black Mangrove	6	20	Good Remain
18	<i>Thespesia populnea</i>	Sesale Mahoe	3	10	Good Remove
19	<i>Thespesia populnea</i>	Sesale Mahoe	8	30	Fair Remain
20	<i>Rhizophora mangle</i>	Red Mangrove	6	30	Good Remain
21	<i>Albizia germinans</i>	Black Mangrove	18	35	Poor Remain
22	<i>Thespesia populnea</i>	Sesale Mahoe	42	30	Good Remove
23	<i>Thespesia populnea</i>	Sesale Mahoe	60	30	Good Remove
24	<i>Ficus tinnifolia</i>	Bursera	48	30	Dest Remove
25	<i>Thespesia populnea</i>	Sesale Mahoe	60	35	Poor Remove
26	<i>Thespesia populnea</i>	Sesale Mahoe	80	35	Fair Remove
27	<i>Phragmites relictata</i>	Sesale Mahoe	15	35	Fair TED
28	<i>Thespesia populnea</i>	Sesale Mahoe	75	35	Fair Remove
29	<i>Phragmites relictata</i>	Sesale Mahoe	15	35	Poor TED
30	<i>Thespesia populnea</i>	Sesale Mahoe	50	30	Poor Remove
31	<i>Thespesia populnea</i>	Sesale Mahoe	60	35	Poor Remove
32	<i>Rua bengkalisensis</i>	Bursera	30	45	Fair Remain
33	<i>Flac bengkalisensis</i>	Bursera	30	45	Fair Remain
34	<i>Thespesia populnea</i>	Sesale Mahoe	10	25	Good Remain
35	<i>Thespesia populnea</i>	Sesale Mahoe	35	30	Fair Remove
36	<i>Thespesia populnea</i>	Sesale Mahoe	13	15	Fair Remove
37	<i>Rhizophora mangle</i>	Red Mangrove	9.5	30	Fair Remove
38	<i>Rhizophora mangle</i>	Red Mangrove	4	15	Fair Remain
39	<i>Rhizophora mangle</i>	Red Mangrove	4	25	Good Remain
40	<i>Rhizophora mangle</i>	Red Mangrove	7	30	Good Remain
41	<i>Albizia germinans</i>	Black Mangrove	7	30	Good Remain
42	<i>Albizia germinans</i>	Black Mangrove	11	35	Good Remain
43	<i>Albizia germinans</i>	Black Mangrove	14	12	Good Remain
44	<i>Rhizophora mangle</i>	Red Mangrove	4	20	Good Remain
45	<i>Thespesia populnea</i>	Sesale Mahoe	9	20	Good Remove
46	<i>Thespesia populnea</i>	Sesale Mahoe	24	30	Good Remove
47	<i>Thespesia populnea</i>	Sesale Mahoe	39	20	Good Remain
48	<i>Albizia germinans</i>	Black Mangrove	21	20	Good Remove
49	<i>Thespesia populnea</i>	Sesale Mahoe	7	20	Good Remove
50	<i>Dioscorea variabilis</i>	Zingiberaceae	2	20	Good Remove



SINGULAR		PLURAL	
NO	YES	NO	YES
1	2	3	4
5	6	7	8
9	10	11	12
13	14	15	16
17	18	19	20
21	22	23	24
25	26	27	28
29	30	31	32
33	34	35	36
37	38	39	40
41	42	43	44
45	46	47	48
49	50	51	52
53	54	55	56
57	58	59	60
61	62	63	64
65	66	67	68
69	70	71	72
73	74	75	76
77	78	79	80
81	82	83	84
85	86	87	88
89	90	91	92
93	94	95	96
97	98	99	100

 ENGINEER OF RECORD:	Name: <i>VTCAYA</i> Address: <i>111 NE 163 Street, Suite 800</i> City: <i>Miami, FL 33132</i> Phone: <i>(305) 371-1111</i> Fax: <i>(305) 371-1112</i> E-mail: <i>info@vtcaya.com</i> Website: <i>www.vtcaya.com</i>	Project Name: <i>NORTH CANAL AND MANGROVE RESTORATION</i> County: <i>MIAMI</i> Financial Project ID:
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Tree Survey & Removal Plan

LANGUAGE ARCHITECTURE

SHEET NO.	LD-1
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Attachment C
Zoning Memorandum

Memorandum



Date: June 14, 2012

To: Lisa Spadafina, Manager *LS*
Coastal Resources Section
Environmental Resources Management

From: Lourdes Barrelli, Biologist II *LB*
Coastal Resources Section
Environmental Resources Management

Subject: Class I Permit Application by Miami-Dade County to Install a New Retaining Wall in Wetlands at the Vizcaya Museum and Gardens at 3251 South Miami Avenue, Miami, Miami-Dade County, Florida

Pursuant to Section 24-48.2(II)(A)(7), of the Code of Miami-Dade County, Florida, a substantiating letter shall be submitted by the applicant stating that the proposed project does not violate any zoning laws. Said letter will be submitted after approval by the County Commission and prior to issuance of the Class I permit.

Attachment D

Names and Addresses of Owners of All Riparian or Wetland Property within Three Hundred (300) Feet of the Proposed Work

0141140130010

CITY NATL BANK OF FL TRUSTEE
LEONARD L (JR) & JAYNE ABESS (BEN
100 SE 32ND RD
MIAMI, FL 33129-2807

CITY NATL BANK OF FL TRUSTEE
LEONARD L (JR) & JAYNE ABESS (BEN
100 SE 32ND RD
MIAMI, FL 33129-2807

Attachment E

Department of Regulatory and Economic Resources
Project Report

PROJECT REPORT
CLASS I PERMIT APPLICATION NO. 2011-CLI-PER-00104
APPLICATION BY MIAMI-DADE COUNTY FOR A CLASS I PERMIT TO INSTALL A
NEW RETAINING WALL IN WETLANDS AT THE VIZCAYA MUSEUM AND
GARDENS IN MIAMI, MIAMI-DADE COUNTY, FLORIDA

DATE: June 7, 2012

Staff's recommendation of approval for the above-referenced permit application is based on the applicable evaluation factors under Section 24-48.3 of the Code of Miami-Dade County, Florida. The following is a summary of the proposed project with respect to each applicable evaluation factor:

1. **Potential Adverse Environmental Impact** – The proposed project is not reasonably expected to result in adverse environmental impacts. A biological survey conducted by the Department of Regulatory and Economic Resources (RER) staff revealed no significant halophytic (salt tolerant) wetland vegetation within the footprint of the proposed retaining wall. Staff documented a single *Rhizophora mangle* (red mangrove) seedling, which will be relocated prior to the commencement of construction operations. Once the installation of the wall is complete, the project area will be restored to preconstruction elevations. In addition, the removal of invasive exotic vegetation will promote the natural recruitment of native vegetation and enhance the existing halophytic wetland area.
2. **Potential Cumulative Adverse Environmental Impact** – The proposed project is not reasonably expected to result in cumulative adverse environmental impacts.
3. **Hydrology** - The proposed project is not reasonably expected to adversely affect surface water drainage or retention of stormwater.
4. **Water Quality** – The proposed project is not reasonably expected to adversely affect surface or groundwater quality.
5. **Wellfields** – Not applicable.
6. **Water Supply** – Not applicable.
7. **Aquifer Recharge** – Not applicable.
8. **Aesthetics** – The proposed project is not reasonably expected to have long term negative aesthetic impacts. However, during the construction process there may be temporary aesthetic impacts related to the presence of machinery and equipment associated with the construction activities.
9. **Navigation** – The proposed project is not reasonably expected to adversely affect navigation.
10. **Public Health** - The proposed project is not reasonably expected to adversely affect public health.
11. **Historic Values** - The proposed project is not reasonably expected to adversely affect historic values. The new retaining wall will protect the historic garden and the associated upland vegetation from the tidal influence of Biscayne Bay.
12. **Archaeological Values** - The proposed project is not reasonably expected to adversely affect archaeological values.
13. **Air Quality** – The proposed project is not reasonably expected to adversely affect air quality.
14. **Marine and Wildlife Habitats** – The proposed project is not reasonably expected to adversely affect marine and wildlife habitats. A biological survey conducted by RER staff revealed no significant halophytic wetland vegetation within the footprint of the proposed retaining wall. Once the installation of the wall is complete, the excavated wetland soils will be used as backfill and the project area will be restored to preconstruction elevations. In addition, the removal of invasive exotic vegetation will promote the natural recruitment of native vegetation and enhance the existing halophytic wetland habitat.
15. **Wetland Soils Suitable for Habitat** – The proposed project will result in minimal impacts to wetland soils. The installation of the retaining wall will result in the temporary excavation of 934 square feet of wetland soils. However, once the installation of the wall is complete, the excavated soils will be used as backfill and the project area will be restored to preconstruction elevations.

16. **Floral Values** – The proposed project is not reasonably expected to adversely affect floral values. A biological survey conducted by RER staff revealed no significant halophytic wetland vegetation within the footprint of the proposed retaining wall. Staff documented a single *Rhizophora mangle* (red mangrove) seedling within the footprint of the proposed work, which will be relocated prior to the commencement of construction operations. The removal of invasive exotic plant species will promote the natural recruitment of native vegetation.
17. **Fauna Values** – The proposed project is not reasonably expected to adversely affect fauna values.
18. **Rare, Threatened and Endangered Species** – The proposed work is not reasonably expected to adversely affect rare, threatened and endangered species. Although the project site is located within an area that has the potential to be utilized by *Crocodylus acutus* (American Crocodile), the proposed work will result in minimal temporary impacts during construction of the wall. The removal of invasive exotic vegetation will enhance the existing halophytic wetland habitat that has the potential to be utilized by wildlife.
19. **Natural Flood Damage Protection** - The proposed project is not reasonably expected to adversely affect surface water drainage or retention of stormwater. The new retaining wall is intended to protect the historic garden and the associated upland vegetation from the tidal influence of Biscayne Bay, and will exceed the Federal Emergency Management Agency 10-year flood elevation of six (6) feet National Geodetic Vertical Datum.
20. **Wetland Values** – The proposed project is not reasonably expected to adversely affect wetland values. The installation of the retaining wall will result in the temporary excavation of 934 square feet of wetland soils. A biological survey conducted by RER staff revealed no significant halophytic wetland vegetation within the footprint of the proposed retaining wall. In addition, once the installation of the wall is complete, the excavated wetland soils will be used as backfill and the project area will be restored to preconstruction elevations. The removal of invasive exotic plant species from project area is intended to enhance the existing halophytic wetland area and promote the natural recruitment of native vegetation. This will result in an increase of available habitat that has the potential to be utilized by wildlife and increase wetland values.
21. **Land Use Classification** – Pursuant to Section 24-48.2(II)(A)(7), of the Code of Miami-Dade County, Florida, a substantiating letter shall be submitted stating that the proposed project does not violate any zoning laws. Said letter will be submitted after the approval by the Board of County Commissioners and prior to the issuance of a Class I permit.
22. **Recreation** - The proposed project does not conflict with the recreation element of the Miami-Dade County Comprehensive Development Master Plan.
23. **Other Environmental Values Affecting the Public Interest** – The proposed project is not reasonably expected to adversely affect other environmental values affecting the public interest. The proposed project will occur on lands owned entirely by Miami-Dade County.
24. **Conformance with Standard Construction Procedures and Practices and Design and Performance Standards** – The proposed project complies with the standard construction procedures and practices and design and performance standards of the applicable portions of the following:
 - a) Miami-Dade County Public Works Manual
 - b) Chapter 33B of the Code of Miami-Dade County
25. **Comprehensive Environmental Impact Statement (CEIS)** - In the opinion of the RER, the proposed project is not reasonably expected to result in significant adverse environmental impacts or cumulative adverse environmental impacts. Therefore, a CEIS was not required by RER to evaluate the project.

26. Conformance with All Applicable Federal, State and Local Laws and Regulations The proposed project is in conformance with the following applicable State, Federal and local laws and regulations:

- a) Chapter 24 of the Code of Miami-Dade County
- b) United States Clean Water Act (US Army Corps of Engineers permit is required)
- c) Florida Department of Environmental Protection (permit is required)

27. Conformance with the Miami-Dade County Comprehensive Development Master Plan (CDMP) - In the opinion of RER, the proposed project is in conformance with the CDMP. The following is a summary of the proposed project as it relates to the CDMP:

LAND USE ELEMENT I:

Objective 3/Policies 3A, 3B, 3C - Protection of natural resources and systems. - The proposed project is consistent with the Conservation and Coastal Management Elements of the CDMP. The project is compatible with surrounding land uses in Biscayne Bay and does not involve development in the Big Cypress area of Critical State Concern or the East Everglades.

TRANSPORTATION ELEMENT II

Aviation Subelement/Objective 9 - Aviation System Expansion - There is no aviation element to the proposed project.

Port of Miami River Subelement/Objective 3 - Minimization of impacts to estuarine water quality and marine resources. The proposed project is not located within the Miami River.

CONSERVATION, AQUIFER RECHARGES AND DRAINAGE ELEMENT IV:

Objective 3/Policies 3A, 3B, 3D - Wellfield protection area protection. - The proposed project is not located within a wellfield protection area.

Objective 3/Policy 3E - Limestone mining within the area bounded by the Florida Turnpike, the Miami-Dade/Broward Levee, N.W. 12 Street and Okeechobee Road. - The proposed project is not located within this area.

Objective 4/Policies 4A, 4B, 4C - Water storage, aquifer recharge potential and maintenance of natural surface water drainage. - The proposed project is not reasonably expected to adversely affect water storage, aquifer recharge potential or natural surface water drainage.

Objective 5/Policies 5A, 5B, 5F - Flood protection and cut and fill criteria. - The proposed project does not compromise flood protection, involve filling for development purposes, and is not related to cut and fill activities. The new retaining wall will exceed the Federal Emergency Management Agency 10-year flood elevation of six (6) feet National Geodetic Vertical Datum.

Objective 6/Policy 6A - Areas of highest suitability for mineral extraction. - The proposed project is not located in an area proposed or suitable for mineral extraction.

Objective 6/Policy 6B - Guidelines for rock quarries for the re-establishment of native flora and fauna. - The proposed project is not located in a rock quarry.

Objective 6/Policy 6D - Fill material on-site is suitable for the support of development. - The excavated wetland sediments are not intended to be used for the support of development.

Objective 7/Policy 7A - No net loss of high quality, relatively unstressed wetlands. - The proposed project will not result in a net loss of any such wetlands.

Objective 9/Policies 9A, 9B, 9C - Protection of habitat critical to Federal or State-designated threatened or endangered species. – The proposed project is not reasonably expected to adversely affect habitat critical to Federal or State-designated threatened or endangered species. Although the project site is located within an area that has the potential to be utilized by American Crocodiles, the proposed work will result in minimal temporary impacts during construction of the wall. Once the installation of the wall is complete, the project area will be restored to preconstruction elevations. The removal of invasive exotic vegetation will enhance the existing halophytic wetland habitat that has the potential to be utilized by wildlife.

COASTAL MANAGEMENT ELEMENT VII:

Objective 1/Policy 1A - Tidally connected mangroves in mangrove protection areas – The project is not located within a designated "Mangrove Protection Area."

Objective 1/ Policy 1B - Natural surface flow into and through coastal wetlands. – The proposed project is not reasonably expected to adversely affect natural surface flow into and through coastal wetlands.

Objective 1/ Policy 1C - Elevated boardwalk access through mangroves. – The project does not involve access through mangroves.

Objective 1/Policy 1D - Protection and maintenance of mangrove forests and related natural vegetational communities. - The proposed project does not involve work in mangrove forests, coastal hammock, or other natural vegetational communities.

Objective 1/Policy 1E - Mitigation for the degradation and destruction of coastal wetlands. Monitoring and maintenance of mitigation areas. – The proposed project does not involve the degradation and destruction of coastal wetlands and therefore does not involve monitoring of mitigation for impacts to coastal wetlands.

Objective 1/Policy 1G - Prohibition on dredging or filling of grass/algal flats, hard bottom or other viable benthic communities, except as provided for in Chapter 24 of the Code of Miami-Dade County, Florida. – The project does not involve the dredging or filling of grass/algal flats, hard bottom or other viable benthic communities.

Objective 2/Policies 2A, 2B - Beach restoration and renourishment objectives. - The proposed project does not involve beach restoration or renourishment.

Objective 3/Policies 3E, 3F - Location of new cut and spoil areas for proper stabilization and minimization of damages. - The proposed project does not involve the development or identification of new cut or spoil areas.

Objective 4/Policy 4A, 4C, 4E, 4F – Protection of endangered or threatened animal species - The proposed work is not reasonably expected to adversely affect endangered or threatened species. Although the project site is located within an area that has the potential to be utilized by American Crocodiles, the proposed work will result in minimal temporary impacts during construction of the wall and removal of the invasive exotic vegetation.

Objective 5/Policy 5B - Existing and new areas for water-dependent uses. - The proposed project does not involve the use of new areas for water-dependent uses.

Objective 5/Policy 5D - Consistency with Chapter 33D, Miami-Dade County Code (shoreline access, environmental compatibility of shoreline development) – The Shoreline Development Review Committee has determined that the thresholds for review under the Shoreline Ordinance do not apply and the proposed project is not subject to shoreline development review.

Objective 5/Policy 5F - The siting of water dependent facilities. - The proposed project does not involve the creation of any new water dependent facilities.

28. **Conformance with Chapter 33B, Code of Miami-Dade County** (East Everglades Zoning Overlay Ordinance) – The proposed project is not located within the East Everglades Area.
29. **Conformance with Miami-Dade County Ordinance 81-19** (Biscayne Bay Management Plan Sections 33D-1 through 33D-4 of the Code of Miami-Dade County) - The proposed project is not located within Biscayne Bay.
30. **Conformance with the Miami-Dade County Manatee Protection Plan** - The proposed project is not located within an area designated by the Miami-Dade County Manatee Protection Plan as essential manatee habitat for the *Trichechus manatus* (West Indian Manatee).
31. **Consistency with Miami-Dade County Criteria for Lake Excavation** – The proposed project does not involve lake excavation.
32. **Municipality Recommendation** – Pursuant to Section 24-48.2(II)(A)(7), Code of Miami-Dade County, Florida, a substantiating letter shall be submitted stating that the proposed project does not violate any zoning laws. Said letter will be submitted after the approval by the Board of County Commissioners and prior to the issuance of the Class I permit.
33. **Coastal Resources Management Line** - A coastal resources management line was not required for the proposed project, pursuant to Section 24-48.2(II)(A)(10)(b) of the Code of Miami-Dade County, Florida.
34. **Maximum Protection of a Wetland's Hydrological and Biological Functions** – The proposed project is not reasonably expected to adversely affect wetland hydrological and biological functions. The removal of invasive exotic plant species is intended to promote the natural recruitment of native vegetation and has the potential to improve the wetland's biological functions.
35. **Class I Permit Applications Proposing to Exceed the Boundaries Described in Section D-5.03(2)(a) of the Miami-Dade County Public Works Manual** – Not applicable.

The proposed project was also evaluated for compliance with the standards contained in Sections 24-48.3(2),(3), and (4) of the Code of Miami-Dade County, Florida. The following is a summary of how the standards relate to the proposed project:

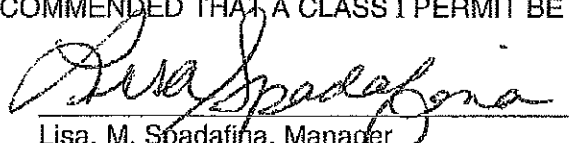
24-48.3 (2) Dredging and Filling for Class I Permit – The proposed complies with the following dredge and fill criteria specified in Section 24-48.3(2):

- A physical modification to protect public or private property.

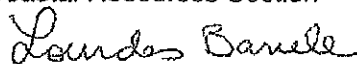
24-48.3 (3) Minimum Water Depth Required for Boat Slips Created by the Construction or Placement of Fixed or Floating Docks and Piers, Piles and Other Structures Requiring a Permit Under Article IV, Division 1 of Chapter 24 of the Code of Miami-Dade County - The proposed project does not involve the creation of a boat slip.

24-48.3 (4) Clean Fill in Wetlands – The installation of the retaining wall will result in the temporary excavation of 934 square feet of wetland soils. Once the wall installation is complete, the excavated wetland soils will be used as backfill and the project area will be restored to preconstruction elevations.

BASED ON THE FOREGOING, IT IS RECOMMENDED THAT A CLASS I PERMIT BE APPROVED.



Lisa M. Spadafina, Manager
Coastal Resources Section



Lourdes Barrelli, Biologist II
Coastal Resources Section